

## FORUM GREENING BUILDINGS

OP-ED

### THREE IDEAS TO IMPROVE LOCAL LAW 97 IMPLEMENTATION



MARGIE RUSSELL

**THE CLOCK IS TICKING.** Experts in the field keep telling us we need to make changes to prevent catastrophic climate disasters. The U.S. government has implemented laws, regulations and programs to reduce carbon emissions. New York City, for instance, created Local Law 97 to limit emissions from buildings over 25,000 square feet with penalties for violators. Yet despite LL97's good intentions, this "sticks and no carrots" approach is not only excessively punitive, but also technically and sociologically flawed.



LEWIS KWIT

The managers and owners of multifamily residential properties citywide are absolutely confounded by the harsh economic penalties that come with the law. Cooperative and condominium board members are also astonished at the high cost of energy conservation and efficiency measures. What we need is a more comprehensive approach that recognizes the differences between buildings and their occupants. What do we have instead? A policy using a metric that does not reflect science.

For example, the current unit of measurement for emissions quantification is a metric ton of carbon dioxide and equivalent greenhouse emissions, or tCO<sub>2</sub>e, per square foot. This method has three problems. Firstly, energy use and resulting emissions for space heating and air conditioning depend on cubic footage, not square footage or area. Secondly, energy consumption and emissions are not always proportional to square footage, as more people in small apartments use more energy per square foot than those in larger apartments. Wealthier residents also tend to spend more time away from their apartments than middle- to lower-income apartment dwellers, which affects energy usage. Finally, energy usage cannot be managed effectively without data. Residents may pay their energy bills directly or have the bill included in their rent, and property owners, managers or boards do not have access to this information.

New York can address these issues in several ways. The city can set per capita standards instead of square footage requirements, or exclude apartment electricity usage and hot water from the emissions quantification. This would allow building owners and managers to focus on reducing energy use for space heating, public space electricity and hot water production. Even if hot water usage cannot be reduced, it can be produced more efficiently.



BUCK ENNIS

Cities, especially New York, are known for their energy efficiency, as energy consumed per capita is used as a metric. Multifamily buildings are well-insulated, and smaller façade exposure reduces the energy required for space conditioning. People also tend to use public transportation, bicycles or walking instead of driving cars. The current policy, however, penalizes densely populated buildings with higher energy efficiency when energy use is evaluated per square foot.

The city is blaming its citizens and property owners for carbon emissions instead of holding politicians accountable for a lack of downstate wind, solar or hydro power on the grid. Despite promises of Quebec hydro power in 2008 and anticipated off-shore wind power in 2021, our downstate grid continues to emit more carbon because politicians have closed two Indian Point nuclear power plants instead of adding clean power sources. Not to mention compromising the grid's reliability due to policies that shut down high-emissions peaker plants without clean power replacements.

Lastly, the city refuses to allocate the billions of dollars that LL97 penalties will generate toward building conservation and efficiency efforts. Instead, the funds will be placed in the city's general coffers.

It's time for new and creative thinking about how we reduce emissions effectively. Local Law 97 isn't the way to go about it. ■

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